

REMARKS

Claims 1-3, 5-8, 10-19, 21, 23-24, 26, 28-29, and 31-36 are pending in the application.

Claims 1-5, 7, 9-15 and 19-30 have been rejected, and claims 6, 8 and 16-18 have been objected to.

Claims 4, 9, 20, 22, 25, 27, and 30 have been canceled.

Claims 1-3, 5-7, 10, 13, 16, 19, 22, 24, 26, 28, and 29 have been amended. Claims 31-36 have been added. Support for these amendments and new claims can be found, at least, in originally presented claims 4, 9, and 16 and paragraphs 51-55 of the specification. No new matter has been added.

Formal Matters

Claims 6, 8, and 16-18 are objected to as being dependent upon a rejected base claim. In view of the remarks set forth herein, Applicant submits that these claims are patentable by virtue of their dependence upon allowable base claims.

Double Patenting Rejection

Claim 1 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/436,354. Since this rejection is a provisional double-patenting rejection, Applicant will wait to address this rejection until one of the identified applications issues.

Rejection of Claims under 35 U.S.C. §103(a)

Claims 1-5, 7, 9-15 and 19-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Green et al. (US Pat. Pub. No. 2003/0167380) (hereinafter referred to as "Green") in view of Kisley (US Pat. Pub. No. 2005/0027748) (hereinafter referred to as "Kisley"). Applicants respectfully traverse this rejection.

As amended, claim 1 recites many of the features present in originally-presented claim 16, which was indicated as being allowable. Office Action, p. 13. Amended claim 1 recites:

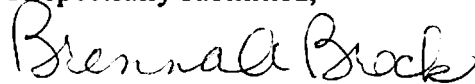
creating a first storage object corresponding to a first storage volume, wherein said first storage object comprises a first point-in-time copy of said first storage volume and a first storage volume map;
replicating said first storage volume using said first storage object, wherein said replicating comprises copying data from said first point-in-time copy of said first storage volume to a second storage volume;
creating a second storage object corresponding to said first storage volume in response to said copying;
failing over from said first storage volume to said second storage volume; and
updating said second storage volume using said first storage object and said second storage object.

The cited art fails to teach or suggest many features of amended claim 1, including failing over to a second volume and updating the second storage volume using the first and second storage objects. For at least this reason, claim 1 and its dependent claims 2-3, 5-8, and 10-18 are also patentable over the cited art. Claims 19, 21, 23-24, 26, 28-29, and 31-36 are patentable over the cited art for similar reasons.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephone interview, the Examiner is invited to telephone the undersigned at 512-439-5087.

Respectfully submitted,



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